

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 1, 21, 73, 74 and 101 of)	WT Docket No. 03-66
the Commission's Rules to Facilitate the)	RM-10586
Provision of Fixed and Mobile Broadband)	
Access, Educational and Other Advanced)	FCC 04-135
Services in the 2150-2162 and 2500-2690)	
MHz Bands)	

PETITION FOR RECONSIDERATION
BY GRAND WIRELESS COMPANY

Grand Wireless Company, Inc. – Michigan¹ (Grand) is a licensee/operator of MMDS spectrum (spectrum it acquired through the auction process) providing broadband data services in contiguous BTAs located in the rural northwest quadrant of the lower Michigan Peninsula. Its experience is “real time” rather than unconstructed musings.

In reviewing the Commission's NPRM, Grand concludes that the interest of the *rural* public, a segment of the country's population whose telecom needs is often more difficult and more expensive to meet, differs from its urban brethren and therefore requires somewhat different considerations from the Commission in its rules making process.

Size of Transitioned Markets: The Commission proposes the use of MEAs and GSAs in the transition process. Much of the Commission's work in this NPRM has been devoted to putting in place methodology which would solve the difficult interference and other issues between BTA authorizations and PSA license holders (both MDS and ITFS to use the old nomenclature) that has often stagnated this spectrum's development. What the Commission does in its proposal is to overlay MEAs over GSAs over BTAs over PSAs which complicates any transition process by introducing many new relationships to the mix. The transition process will be well served by allowing individual BTAs to transition with the PSAs within its BTA's geographical area. It might be expected that neighboring BTAs will communicate with each other especially if any PSAs overlap into other BTAs but the D/U levels established by the Commission should be sufficient to bring about whatever cooperation is needed for the transition process. Keeping it simple works very well here.

¹ Grand Wireless Company, Inc. – Michigan has entered into an agreement to sell its three Michigan BTAs to Cherry Tree Communications LLC whose principle member has been a major participant in the development of the Michigan BTA broadband operations.

Licensees Not Transitioned at end of 3 Year Period: How should the Commission deal with a failed transition process? Who caused this failure? Who should have their license forfeited? At best, this becomes a very litigious situation. A workable solution is to permit licensees to self-transition on January 10, 2008. On that date the self-transitioned licensee may commence operations and any licensee who previously used that spectrum must cease operations. The licensee who is required to cease operations should be allowed six months to relocate their operations to their properly located transition spectrum. It would seem reasonable to forfeit their license after that time if they have not restored their operations in the new spectrum.

Underlay Operations: It has never been established that licensed and unlicensed can co-exist in this spectrum nor has it been established that unlicensed operators need additional spectrum (beyond what the Commission has already provided) especially in rural areas. For an industry trying to establish new services and new technologies, it does not make sense to introduce potential interference and enforcement issues.

Respectfully Submitted,

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